IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

WRIT PETITION NO. 346 OF 2007

SUBHASH S. SAWANT & ORS. .. PETITIONERS

Vs.

CENTRAL BANK OF INDIA .. RESPONDENT

Mr. Bhavesh Parmar for petitioners

Mr. P. K. Rele i/b Piyush Shah for R-1

CORAM:-SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED:-24/4/2007

P.C.

. The petitioners have prayed for quashing and setting aside of the various charge-sheets all dated 23/12/06 issued by the 1st respondent bank to the petitioners for an alleged incident of 9/10/96.

2. We have heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. The learned counsel for the petitioner has strenuously urged that the charge-sheets deserve to be quashed on account of delay in issuance thereof.

In support of his submissions the learned counsel relied on **Krishena Kumar v. Union of India & Ors., 1990 LAB. I.C. 1490**, **Abdulla A. Latifsha v. Bombay Port Trust & Ors., 1 LLJ. 226** & **P. V. Mahadevan v. Md. T.N. Housing Board, (2005) 6 SCC 636**.

4. On the other hand the learned counsel for 1st respondent bank contended that since mere charge-sheet has been issued to the petitioners, no interference is called for at this stage because it does not infringe the right of any one at this stage. In support of his submission the learned counsel relied on **Union of India & & Anr. v. Kunisetty Satyanarayana, 2007 1 CLR 67**.

5. In our opinion, since charge-sheet is issued, on the basis of the judgment of the Supreme Court in **Kunisetty's case (supra)**, the inquiry proceeedings cannot be interfered with in our writ jurisdiction at this stage. The learned counsel for the respondent stated that the respondent shall not suspend the petitioners during the pendency of the departmental proceedings. We record this statement and accept it.

6. We direct the respondent to conclude the departmental enquiry within a period of six months from the date of receipt of this order by 1st respondent.

7. We keep all contentions raised by the petitioners in this petition open. They can be agitated in the departmental proceedings. We direct that, if the order passed in departmental proceedings is adverse to the petitioners, it shall not be given effect to for a period of four weeks from the date thereof. We, however, make it clear that, we have not expressed any opinion on the merits of the case.

8. We make it clear that this does not preclude the parties from amicably settling the dispute.

9. Petition is disposed of in the aforestated terms.

JUDGE.

JUDGE.